

ARTICLE 15 SUPPLEMENTARY USE REGULATIONS; CONDITIONAL USES; ACCESSORY USES; PROHIBITED USES

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15-101 Conditional Uses - Purpose and Intent: The establishment of virtually all land uses except agricultural and traditional single-family residential, in most cases, are not appropriate in the bulk of unincorporated portion of Reno County; especially those land uses that are of an extremely sensitive nature due to the intensity or environmental impacts associated with the normal operation of the business or activity. However, it is recognized that it may be acceptable, on a case-by-case, site-by-site basis, to permit the development of such land uses where conditions warrant, and adequate safeguards are taken to mitigate any of the potential problems associated with said development. Therefore, in order to develop any land use other than agricultural and traditional single-family residential in the unincorporated portion of Reno County, a Conditional Use Permit issued in accordance with these Regulations shall be required.

It is the intent of this Article to require a Conditional Use Permit for all proposed land uses, except those specifically prohibited herein or allowed as a permitted use in one of the established zoning districts. As such, it is acknowledged that any property owner may seek a Conditional Use Permit for any of the types of land uses indicated herein for any property within the unincorporated portion of Reno County. The subsequent approval of such request by the Governing Body is a purely discretionary act that will be decided based upon the facts and circumstances discovered in the review of each application. There is no implied "right" for any person or landowner to obtain a Conditional Use Permit for any use on any property.

It is also the intent of this Article to allow the issuance of Conditional Use Permits that provides for more than one use on any property; provided the range or type of uses is clearly delineated within the Conditional Use Permit, the other relevant facts have been evaluated, and the approval is consistent with the spirit and intent of this Article and these Regulations. (For example: a Conditional Use Permit could be approved for a "strip shopping center" in a location where transportation and adequate water and sewage disposal services are available; or it could indicate a range of "retail and/or service businesses" as being appropriate for this location.)

15-102 Application of Conditional Uses: Before the location or establishment of any land use requiring a Conditional Use Permit, or before any change or use of the premises existing at the time of the effective date of these Regulations or permitted as herein provided is made, a Development Plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 8 of these Regulations. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 20 of these Regulations and shall review such Development Plan and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body.

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Following receipt of the Planning Commission's recommendation, the Governing Body may, within the specifications herein provided, permit such buildings, structures, or uses; provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, that the transportation and utility services are appropriate for the level and intensity of the proposed development, and that necessary safeguards will be provided for the protection of surrounding property, persons, and of neighborhood values. In this regard, the Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in Article 8 of these Regulations.

15-103 Qualification of Existing Conditional Uses: Properties with land uses operating under an existing Conditional Use approved prior to the adoption of these Regulations, or that were zoned and used as commercial or industrial under the previous Zoning Regulations, shall be permitted to continue, but with an unapproved Conditional Use Permit. Changes in the building(s), operation(s) or use(s) of said properties shall be treated as requiring an amendment to said unapproved Conditional Use Permit and considered as provided Section 15-102 herein.

15-104 Additions and Changes to Conditional Uses: All subsequent requests for additions and structural alterations to Conditional Uses approved by the Governing Body shall be considered in the same procedure as outlined in Section 15-102 herein.

15-105 Conditional Uses Enumerated: The following Conditional Uses are some of the uses that may be approved by the Governing Body as provided in this Article. Other land uses may also be permitted by Conditional Use Permit except those specifically listed as permitted uses in the zoning districts or as prohibited uses in these Regulations.

1. Adult Entertainment Establishment.: Any business, premises or establishment including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult live performance theaters which has any of the following:
 - A. Thirty percent (30%) or less of its annual gross receipts derived from: (a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or (b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, and instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined; or
 - B. Thirty percent (30%) or less of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined; or
 - C. Thirty percent (30%) or less of its floor area at any time allocated to (a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified

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anatomical areas” as herein defined, or (b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, and instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined, and instruments, devices or paraphernalia designed for use in connection with “specified sexual activities” as herein defined.

- D. No adult entertainment establishment shall be permitted within 2,640 feet of any religious institution, school, or public park or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school, public park, or the property zoned for residential use.
- E. No adult entertainment establishment shall be allowed to locate or expand within 2,640 feet of any other adult entertainment use or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined-in this section. The distance between any two-(2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
- F. All access to and from the adult entertainment establishment shall be provided from a street classified as a thoroughfare.
- G. The property on which such use is located shall have a minimum of 100 feet of street frontage.
- H. The property on which the use is located shall be screened by solid masonry wall, at least six feet (6') in height along all interior property lines.
- I. The facility on which the use is located and the parking for such facility shall have yard setbacks in compliance with the requirements for the zone in which the facility is located.
- J. Off-street parking shall be provided at a ratio of one (1) parking space per 75 square feet of interior floor area. All off-street parking requirements shall conform to the Reno County Zoning Regulations except as modified by the approved Conditional Use Permit.
- K. All landscaping and screening requirements for the zone in which the facility is located shall be observed.
- L. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.
- M. The facility in which such a use is located shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of

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fifty (50) square feet; said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.

- N. Lighting the parking area must provide a minimum light level of 0.25 footcandles over the entire parking area, but in no point shall the light level exceed 3.0 footcandles, nor shall any increase in light levels or visible glare be permitted at the lot line.
2. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
 3. Bed and breakfast facility.
 4. Boat sales and service, including storage yard.
 5. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, reservoirs, and utility maintenance shops and yards.
 6. Bus barns or lots.
 7. Cemeteries, mausoleums, or crematories for the disposal of the dead.
 8. Ceramic, pottery or concrete ornament product processing, sales and/or yard.
 9. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly owned and operated community buildings, art gallery, museums and libraries.
 10. Commercial and/or retail stores and activities not otherwise prohibited by these Regulations.
 11. Commercial offices and office parks.
 12. Commercial parking lots.
 13. Commercial stockyard or feedlot.
 14. A Commercial Wind Energy Conversion System shall be subject to the provisions of Article 23.
 15. Any small Wind Energy Conversion System proposed to exceed the Performance Standards as stated within these Regulations.
 16. Convenience food stores.
 17. Contractor's shop and/or yard, including construction equipment and/or material storage areas.
 18. Drinking establishments, taverns, membership clubs, or other places that serve alcohol for consumption on the premises.

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19. Drive-in and drive-through establishments.
20. Drive-in theatres.
21. Dwellings for resident night watchmen and caretakers employed on the premises of a business.
22. Entertainment venues established on a recurring basis, such as “corn mazes”, “haunted houses” and the like. If such operations are only on a single occasion and not intended to be an annual event, it may be considered as a Special Event as provided in these Regulations.
23. Exposition centers and/or buildings.
24. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
25. Fairgrounds.
26. Farm machinery sales and service, including storage yard.
27. Fire stations.
28. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
29. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
30. Group Boarding Home, Licensed Group Day Care Home, Child Care Center, Preschool, Detention Center, or Residential Center, except as permitted by K.S.A. 12-736 as amended, provided:
 - A. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
 - B. A report shall be submitted by the applicant giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operations.
 - C. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
 - D. When operated out of an existing or proposed residential structure, the following standards shall be met:
 - (1) That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
 - (2) Outside play areas shall be in the side or rear yard only and shall be fenced to the requirements established in the Conditional Use Permit approval.

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31. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
32. Hospital or clinic for large or small animals, provided, such hospital or clinic and treatment rooms shall be maintained within a completely enclosed, soundproof building, and that such hospital or clinic shall be operated in such a way as to produce no objectionable odors outside its walls.
33. Hotels, motels, and motor hotels.
34. Judicial centers, jails, penal or correctional institutions.
35. Junkyard.
36. Keeping of exotic birds and/or animals on any tract of land, whether in a building or not.
37. Kennels, either boarding or breeding, on less than 10 acres of land, provided:
 - A. All kennel buildings, runs and open areas shall be a distance of at least 1,000 feet between the outer perimeter of the breeding or boarding operation and the nearest residence other than the residence on-site, church, school, public meeting place, commercial business or confined livestock operation.
 - B. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.
38. Laboratories; research, experimental, and/or testing.
39. Lawn and garden supply sales and service, including storage yards.
40. Manufactured home and recreational vehicle sales and service, including display yard.
41. Manufactured home as a single-family dwelling on an individual lot.
42. Manufactured home parks, subject to the following minimum requirements:
 - A. The tract to be used as a Manufactured Home Park shall be at least two (2) acres.
 - B. The Manufactured Home Park shall not be developed at a gross density greater than seven (7) manufactured homes for every one (1) net acre of land, excluding road rights-of-way and common open spaces within the Manufactured Home Park.
 - C. No part of any manufactured home or other building or structure shall be located within 50 feet of any public road right-of-way, nor within 25 feet of any exterior property line of the Manufactured Home Park.
 - D. Individual Manufactured Home Lot shall be designed to meet the following standards:
 - (1) Each manufactured home lot to be occupied by a single-wide unit shall consist of at least 4,500 square feet, with a minimum width of 45 feet and a minimum length of

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100 feet. Each manufactured home lot to be occupied by a double-wide unit shall consist of at least 5,000 square feet, with a minimum width of 55 feet and a minimum length of 90 feet.

- (2) Each manufactured home lot shall have a front yard setback of at least 20 feet measured from the edge of the pavement to the closest point of the lower face of the manufactured home. The front yard may be reduced to 10 feet when on-street parking is provided along the same side of the street.
 - (3) Each manufactured home lot shall have a side yard on each side of the manufactured home. A minimum of 5 feet shall be allowed on one side of the lot, provided a minimum of 25 feet shall be maintained between manufactured homes on adjoining lots. Change to say so long as a minimum of 25 feet is maintained on the opposite side yard. Or similar language.
 - (4) Each manufactured lot shall have a rear yard of at least 15 feet.
 - (5) No manufactured home or other building or structure shall exceed 20 feet in height.
- E. In addition to compliance with all adopted rules, regulations and resolutions of Reno County, the minimum requirements pertaining to structural, design, utility service, and maintenance features within a Manufactured Home Park shall be as follows:

- (1) Utilities. Sanitary sewer and water facilities shall be provided for each lot within the Manufactured Home Park. All manufactured homes within the Manufactured Home Park shall be served by a public water supply adequate to provide fire protection by hydrants, and by a public sanitary sewer system.

Individual electrical service and gas service shall be provided to each lot with the park. The service so provided shall be separately metered for each lot, each lot shall have separate disconnect points from any other lot and shall not be provided service from any other home or lot.

All utility lines shall be placed underground and there shall be no overhead wires or support poles except those required for street or other lighting purposes.

- (2) Streets. All internal streets shall be asphalt or concrete surface and shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks, holes, and other hazards by the Manufactured Home Park management. All internal streets shall be owned and maintained by the owner of the Manufactured Home Park.
 - (a) Grades of all streets shall be sufficient to insure adequate surface drainage. Grades shall not exceed 8 percent.
 - (b) Minimum pavement widths shall be as follows:
 - (1) Entrance streets and all other streets with parking allowances on both sides of the street shall be a minimum of 42 feet in width.

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- (2) Streets with parking allowance on one side only shall be a minimum of 30 feet in width.
- (3) Streets with no parking allowance shall be a minimum of 24 feet in width.
- (3) Manufactured Home Pad. Concrete runners shall be provided on every manufactured home lot to accommodate the manufactured home and its attached accessory structures. The runners shall be constructed to provide anchoring facilities for the placement and tie-down of the manufactured home to secure it against accidental uplift, sliding, rotation and over-turning. Runners shall be installed before any manufactured home is occupied.
- (4) Recreation. One or more recreation areas shall be provided within every Manufactured Home Park. The size of such recreation area(s) shall not be less than 10 percent of the gross area of the Manufactured Home Park and shall be located so as to be easily accessible to all Park residents. Recreation areas shall be maintained by the Park management and may include space for community building(s) and community use facilities such as indoor recreation, meeting rooms and similar uses.
- (5) Parking. Adequate parking shall be provided for the use of Park residents and guests. Each manufactured home lot shall have parking for at least two (2) motor vehicles. The parking spaces may be provided on-street or off-street. A parking space shall be a minimum of 9 feet by 19 feet.
- (6) Skirting. Skirting of a durable type of material and construction shall be installed on each manufactured home to enclose the open space between the bottom of the manufactured home floor and the grade level of the manufactured home pad. Such skirting shall be constructed of material consistent with the exterior surface of the manufactured home and maintained in a manner to enhance the appearance of the Manufactured Home Park.
- (7) Screening. Effective screening shall be provided along the boundary lines of the Manufactured Home Park to serve as a buffer through the use of plantings, berms or other landscaping features.
- (8) Lighting. Adequate lighting shall be provided for all streets, walkways, service buildings and other facilities subject to nighttime use.
- (9) Storm Shelter. A common storm shelter capable of providing adequate shelter from severe weather for all Manufactured Home Park residents shall be provided.
- (10) Storage Lot. All Manufactured Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, motor vehicles, snowmobiles, and other equipment for seasonal or periodic use to be noncommercially operated and for the exclusive use of residents of the Manufactured Home Park. Such items listed above shall not be stored upon a manufactured home lot nor upon the streets within a Manufactured Home Park. All storage lots shall be screened from external view to the standards listed in paragraph (7) above. Wrong section.

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- (11) Lot Identification. Each manufactured home lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a secure and consistent manner throughout the Manufactured Home Park. The lot number shall be displayed on the lot and be visible at all times.
 - (12) Garbage and Refuse. Provisions for garbage and refuse storage, collection and disposal shall be maintained by the operator of the park so as not to create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution.
 - (13) Rodents and Insects. Manufactured home parks shall be maintained free of excessive insect or rodent infestation. The park management shall keep all areas outside the confines of the individual manufactured homes reasonably free of breeding, harboring, and feeding places for rodents and insects. Such areas shall be kept free of litter, trash, salvage material, junk and weeds or other obnoxious vegetation growths in excess of twelve (12) inches in height. Individual manufactured home occupants shall be responsible for the extermination of any rodent or insect infestations occurring within the individual manufactured home.
- 43. Manufacturing, processing, fabrication and assembling of any commodity except junk or salvage.
 - 44. Membership clubs, including private clubs as defined by K.S.A. 41-2601 et seq, and subsequent amendments.
 - 45. Mortuaries and attendant accessory activities and facilities.
 - 46. Motor vehicle sales, service, and repair.
 - 47. Multi-family dwellings, including two-family dwellings, townhouses, garden apartments, condominiums; provided, consistent with single-family residential developments, the provision of adequate public water and sewer service, along with other public infrastructure, is necessary in order for development of said dwellings to be permitted.
 - 48. Offices and office buildings.
 - 49. Parks and playgrounds.
 - 50. Printing, publishing, and engraving firms, including newspaper publishing; provided said operations are principally retail businesses.
 - 51. Quarrying, mining, and removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, provided:
 - A. All quarries and mining operations and asphalt and concrete plants shall be screened by a method approved by the Governing Body when the same are visible from any public road.
 - B. The applicant shall provide an approvable method for dust abatement on all unpaved interior roads if any part of the operation is located within 1/4 mile of any residential dwelling.

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- C. Where applicable, a maintenance agreement between the applicant and the County and/or Township having jurisdiction shall be required to maintain the roads that provide the ingress/egress to the operation.
 - D. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of 100 horizontal feet from all property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface. The setback areas may be used for the erection of berms or other screening features required by the Conditional Use Permit. For quarrying operations, no more than forty (40) acres may be open at any given time.
 - E. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site and a general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval of a revised reclamation plan shall require a public hearing under the same procedure as the original Conditional Use Permit.
 - F. A bond in the amount necessary to reclaim all lands opened at any given time shall be placed in effect and submitted to the Governing Body prior to the operation of all quarries, mining or removal of sand, gravel, coal or topsoil authorized by the Conditional Use Permit.
 - G. No building, equipment, quarry products or other materials shall be erected or stored within 100 feet of any property or right-of-way line.
 - H. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Governing Body. Said annual survey applies only to underground mining activities, not to open pit mines or quarries.
52. Reserved
53. Recreational or sports-related activity or facility, whether publicly or privately owned.
54. Recreational vehicle park or campground, subject to the following minimum design requirements:
- A. The tract to be used as a recreational vehicle campground shall not be less than two (2) acres in area. Under no circumstances shall a mobile home or a manufactured home be parked in a recreational vehicle campground.
 - B. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, provided that no individual space shall be designed for direct access to a street outside the boundaries of the recreational vehicle campground. All interior access drives shall be at least 20 feet in width. All interior access drives and parking areas shall be paved with concrete or asphalt paving.
 - C. The minimum area for a space for parking one recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly

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marked by a permanent marker.

- D. The recreational vehicle campground shall contain community facilities, including play space, parking and access roads. In addition, every recreational vehicle campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
- (1) Be located within three hundred (300) feet of the recreational vehicle campground.
 - (2) Be of permanent construction.
 - (3) Have one (1) flush-type toilet, one (1) lavatory, and one (1) separate bathing for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) bathing facility for males for each thirty (30) spaces. All lavatories and bathing facilities shall be connected with both hot and cold running water.
 - (4) Have an accessible, adequate, safe, and potable supply of cold water.
 - (5) Comply with all applicable adopted building codes, if any, regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
 - (6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
- E. The recreational vehicle campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the recreational vehicle campground and any adjoining residential area.
- F. No recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.
- G. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.
- H. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.
- I. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet, and bathing facilities. All shall be indicated on a site plan of the proposed recreational vehicle campground and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every recreational vehicle campground.
- J. The proposed recreational vehicle campground shall comply with all provisions of this and

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other federal, state and/or local laws and regulations.

55. Restaurants.
56. Riding academies, stables and/or show arenas, indoor or outdoor rodeo arenas and/or facilities.
57. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.
58. Schools, preschools, or kindergartens, either publicly or privately owned or operated.
- 58a. Solar Energy System (Limited scale commercial)
59. Truck stops and/or truck terminals.
60. Warehousing, wholesaling and storage of any commodity except junk or salvage.
61. Zoos, commercial aquariums, or aviaries.
62. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations, or as a prohibited use.

15-106 Continuance of a Conditional Use: A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of its original authorization, as long as all conditions placed on it are met. However, if that particular use ceases to exist for a period of one (1) year, it will forfeit its Development Plan and will not be allowed to exist again unless a new application is made, a public hearing held, and a new Development approved in conformance with the requirements of these Regulations. The County may initiate an action to remove the Conditional Use but must follow the same procedures as followed to establish the Conditional Use originally.

15-107 Accessory Uses: Buildings and structures may be erected, and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained, and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof, and shall be on the premises of the main use.

15-108 Eligibility for Accessory Use: The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

15-109 Accessory Uses Allowed: Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In the "AG" Agricultural District, the following, or similar accessory uses are allowed:
 - A. Open or enclosed storage of farm materials, products or equipment; but not junk.
 - B. Any farm buildings, including, but not limited to, barns, stables, sheds, toolrooms, shops, bins, tanks and silos.

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- C. The use of a manufactured home as an accessory dwelling on land used for agricultural purposes when used by persons employed thereon, including their families. At no time shall a manufactured home or the land upon which it sits be intended and/or used as a rental unit in the "AG" District.
- D. Fuel storage, tanks and dispensing equipment for fuels used solely for a farming operation. No retail sales of such fuels shall be allowed as an accessory use.
- E. Wholesale or retail sales of agricultural products grown or raised on the premises or by the farm operator.
- F. A hobby activity operated by the occupant of the premises purely for personal enjoyment, amusement, or recreation.
- G. Home occupations.
- H. Home schooling of the children of the occupants of the residence in accordance with standards established by the State of Kansas.
- I. Accessory buildings and uses commonly associated with residential activity including, but not limited to, the following:
 - Private garages
 - Guest houses
 - Small storage sheds
 - Satellite dish antennas
 - Accessory off-street parking and loading spaces
- J. Small wind energy conversion systems.
- K. Shipping containers or intermodal freight containers constructed or located on a parcel for use as a storage building are subject to the following restrictions:
 - 1. No limit on the number of shipping containers/intermodal freight containers if used for an agricultural use.
 - 2. Four shipping containers/intermodal freight containers are permitted for a residential use only.
 - a. More than four shipping containers/intermodal freight containers for residential use may be permitted by the Board of Zoning Appeals in conjunction with an approved special exception application.
 - 3. More than four shipping containers/intermodal freight containers for a commercial, industrial, or other non-residential land use may be permitted in conjunction with an approved conditional use permit.
- L. Roof-mounted and ground-mounted private solar energy system subject to the following regulations:

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1. Setbacks as required in Article 13. Setbacks shall be measured from the nearest horizontal point of a solar panel to the property line.
 2. The maximum height shall be 20 feet.
 3. Agricultural uses are exempt from the zoning regulations upon an approved zoning permit and agricultural exemption permit. No fees shall be charged for the permit applications.
 4. Roof-mounted solar energy systems are exempt from the permitting requirements.
- M. Additional Dwelling Unit (ADU) subject to the following regulations:
1. The ADU shall be constructed as a separate and permanent accessory building or a conversion of space within an existing accessory building.
 - a. For this specific Article, the term “permanent accessory building” is defined as a four or more-sided building affixed to the ground by a concrete slab, concrete stem wall, or concrete basement. Buildings placed on concrete blocks or wooden/metal skids shall not be considered a permanent accessory building.
 2. The conversion of a legal non-conforming accessory building, or portion thereof, is permitted so long as any building addition does not increase the degree of nonconformity.
 3. There shall be no more than one ADU permitted on a zoning lot or parcel of land.
 4. The maximum permitted building area of the ADU shall be 1,200 square feet.
 5. The owner of the zoning lot or parcel shall file with the Register of Deeds a deed restriction agreement on the lot stating the ADU cannot be sold separately from the principal single-family dwelling unless the zoning lot or parcel is subdivided in compliance with the Subdivision Regulations. The deed restriction agreement shall be to the satisfaction of the County Counselor and filed prior to the issuance of a zoning permit.
 6. The ADU shall be located adjacent to or behind the principal single-family dwelling.
 7. The ADU shall share the same entrance as the principal single-family dwelling.
 8. The ADU shall share the same utilities as the principal single-family dwelling.
 9. The ADU shall not receive a separate address.
2. In District “R-1” Rural Residential, “R-2” Suburban Residential, “R-3” Single-Family Residential, and “V-1” Village Districts, the following accessory uses are allowed:

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- A. Accessory buildings and uses commonly associated with residential activity, including, but not limited to, the following:

- Accessory off-street parking and loading spaces
- Fences or walls
- Flag poles
- Gates or guard houses for subdivisions
- Guest houses
- Parabolic and satellite dish-type antennas
- Play equipment
- Private garages and carports
- Small storage sheds
- Swimming pools
- Television and radio receiving antennas less than 50 feet in height

No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted.) A maximum square footage allotment of accessory building square footage shall be established for parcels. Accessory buildings, or combinations thereof, which exceed the square footage allotment found under Article 17-104(3) are permitted only with a Special Exception.

- B. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement, or recreation.
- C. In the "R-1" Suburban Residential District, agricultural activities may be conducted as accessory activities, such as growing of crops, pasturage of animals, growing of hay, or other similar activities. However, at no time shall such activity be classified or permitted as the primary usage of the land; said usage being as a residential home site in either of the zoning districts.
- D. Home occupations such as, but not limited to, the following:

- Accountant
- Architect
- Artist
- Attorney
- Author or writer
- Chiropractor
- Clergyman
- Cosmetologist
- Counselor
- Dentist
- Engineer
- Family Day Care Home
- Home crafts
- Insurance Agent
- Osteopath
- Photographer
- Physician

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Planner
Real Estate Agent
Seamstress/Dressmaker
Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

- (1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
 - (2) That no person other than members of the household living on the premises and one (1) outside person shall be employed.
 - (3) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
 - (4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.
 - (5) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference, or vibration.
 - (6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.
- E. Home schooling of the children of the occupants of the residence in accordance with standards established by the State of Kansas.
- F. Small wind energy conversion systems.
- G. Shipping containers or intermodal freight containers constructed or located on a parcel for use as a storage building are subject to the following restrictions:
1. No limit on the number of shipping containers/intermodal freight containers used for agricultural purposes only.
 2. One shipping container/intermodal freight container is permitted in the R-1 and R-2 Zoning Districts for residential use only.
 - a. More than one shipping container/intermodal freight container for residential use may be permitted by the Board of Zoning Appeals in conjunction with an approved special exception application.

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3. The use of more than one shipping container/intermodal freight container in the R-1 or R-2 Zoning Districts for a commercial, industrial, or other non-residential land use may be permitted in conjunction with an approved special exception application.
 4. Multiple shipping containers/intermodal freight containers with an attached roof will not count toward the permitted number of independent shipping containers/intermodal freight containers on a parcel.
 5. Shipping containers/intermodal freight containers, whether individually placed on a parcel or in conjunction with a roof will be considered a building and subject to the total accessory building allotment as defined by Article 17-104(3).
 6. See Article 15-111(5) for restrictions in the R-3 and V-1 Zoning Districts.
- H. Roof-mounted and ground-mounted private solar energy system subject to the following regulations:
1. Setbacks as required in Article 13. Setbacks shall be measured from the nearest horizontal point of a solar panel to the property line.
 2. The maximum height shall be 20 feet.
 3. Agricultural uses are exempt from the zoning regulations upon an approved zoning permit and agricultural exemption permit. No fees shall be charged for the permit applications.
 4. Roof-mounted solar energy systems are exempt from the permitting requirements.
- I. Additional Dwelling Unit (ADU) subject to the following regulations:
1. The ADU shall be constructed as a separate and permanent accessory building or a conversion of space within an existing accessory building.
 - a. For this specific Article, the term “permanent accessory building” is defined as a four or more-sided building affixed to the ground by a concrete slab, concrete stem wall, or concrete basement. Buildings placed on concrete blocks or wooden/metal skids shall not be considered a permanent accessory building.
 2. The conversion of a legal non-conforming accessory building, or portion thereof, is permitted so long as any building addition does not increase the degree of nonconformity.
 3. There shall be no more than one ADU permitted on a zoning lot or parcel of land.
 4. The maximum permitted building area of the ADU shall be 1,200 square feet.
 5. The owner of the zoning lot or parcel shall file with the Register of Deeds a deed restriction agreement on the lot stating the ADU cannot be sold separately from the principal single-family dwelling unless the zoning lot or parcel is subdivided in compliance with the Subdivision Regulations. The deed restriction agreement shall

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be to the satisfaction of the County Counselor and filed prior to the issuance of a zoning permit.

6. The ADU shall be located adjacent to or behind the principal single-family dwelling.
7. The ADU shall share the same entrance as the principal single-family dwelling.
8. The ADU shall share the same utilities as the principal single-family dwelling.
9. The ADU shall not receive a separate address.

15-110 Specialty Accessory Uses: The following uses, activities, or items shall be the accessory uses or restrictions allowable:

1. **Construction Sites:** Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.
2. **Recreational Vehicles and Trailers:**
 - A. At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, except in a recreational vehicle park, or as a permitted temporary dwelling on a lot on which a valid Zoning Permit is issued for construction of a dwelling on said lot.
 - B. The provisions of these Regulations regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is properly located.
3. **Temporary Second Residence**
 - A. The temporary occupancy of an existing dwelling on a zoning lot or parcel is permitted during the construction of a new dwelling provided the existing dwelling is removed from the zoning lot or parcel within one year of the date of issue of the zoning permit. An extension of time to remove the dwelling may be granted by the Zoning Administrator. Either dwelling may be considered for use as an accessory dwelling unit (ADU) in compliance with these regulations.

15-111 Prohibited Uses: After the effective date of these Regulations:

1. No mobile home or “Noncompliant Manufactured Home, as defined in these Regulations, shall be moved, relocated, or otherwise placed on any property in the unincorporated portion of Reno County, including within any Manufactured Home Park or Manufactured Home Subdivision.
2. No manufactured home or mobile home shall be used for any purpose other than as a residential dwelling as permitted within these Regulations. At no time shall a manufactured home or mobile home be converted to a storage unit, office or any other such use, except when used as a permitted accessory use in this Article. At no time shall a manufactured home or mobile home be converted to an agricultural building for use as storage of agricultural products or equipment or shelter for

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animals.

3. No mobile home or manufactured home originally built to be a single-wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building.

This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports, or the like from being built adjacent to an approved manufactured home.

4. No property shall be used as junkyard, sanitary landfill, construction/demolition landfill, industrial landfill, hazardous or toxic waste storage facility, or other similar use or activity, including as an accessory use to another principal use, unless such use or activity has been approved by the issuance of a Conditional Use Permit as provided within these Regulations.

5. Residential use of shipping containers/intermodal freight containers constructed or located on a parcel for use as a storage building in the "R-3" Single Family Residential District, or the "V-1" Village District are prohibited. Commercial, industrial, or other non-residential land uses of shipping containers may be permitted in the R-3 and V-1 Zoning Districts in conjunction with an approved conditional use permit application.

6. No application for a Conditional Use Permit shall be considered and no Conditional Use Permit shall be issued for any person on any property which proposes as the only use the placement of an advertising sign or billboard. Further, an advertising sign or billboard permitted as an accessory structure in an approved Conditional Use Permit shall not be built, used or remain in use unless the principal use and/or structure on the property is first built and/or currently used. Upon the cessation of the principal use and/or structure on the property, the advertising sign or billboard shall lose its standing as an accessory structure and must be removed. At no time shall an advertising sign or billboard first established under these regulations gain standing as a non-conforming use since the placement and continued use of such advertising sign or billboard is accessory to another principal structure or use.

7. No application for a Conditional Use Permit shall be considered and no Conditional Use Permit shall be issued for any commercial wind energy conversion system on any property that falls within the jurisdictional boundary referenced in Article 1-103 of the Reno County Zoning Regulations and per Reno County Resolutions 2016-09 and 2020-10.

No application for a Rezone to the CW ECS Zoning District shall be considered and no Rezone shall be approved to the CW ECS Zoning District for any commercial wind energy conversion system on any property that falls within the jurisdictional boundary referenced in Article 1-103 of the Reno County Zoning Regulations and per Reno County Resolutions 2016-09 and 2020-10.

A commercial wind energy conversion system is defined at Article 23-103(1) of the Reno County Zoning Regulations.

8. No application for a Conditional Use Permit shall be considered and no Conditional Use Permit shall be issued for a commercial solar energy system on property identified as being within the North Fork of the Ninnescah River Watershed identified in Exhibit "A" with Reno County Resolution #2025-09 and within the jurisdictional boundary referenced in Article 1-103 of the Reno County Zoning Regulations and per Reno County Resolutions 2016-09 and 2020-10. A commercial solar energy system is defined at Article 25-103(5) of the Reno County Zoning Regulations.